

(5) EXTENSIONS.—At the request of an eligible entity, the Assistant Secretary may extend the buildout deadline under paragraph (2) by not more than 1 year if the eligible entity certifies that—

(A) the eligible entity has a plan for use of the middle mile grant;

(B) the project to build out middle mile infrastructure is underway; or

(C) extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.

SA 2345. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2491, between lines 16 and 17, insert the following:

SOUTH FLORIDA ECOSYSTEM RESTORATION

For an additional amount for South Florida ecosystem restoration, \$5,000,000,000, to remain available until expended: *Provided*, That the amounts made available under this heading in this Act shall be used to undertake work authorized to be carried out by law: *Provided further*, That the amounts made available under this heading in this Act shall be appropriated from amounts in the Treasury not otherwise appropriated: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2346. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII of division D, insert the following:

SEC. 412. PROHIBITION ON CLEAN ENERGY MANDATES.

No Federal agency may establish a clean energy mandate if the clean energy mandate would result in higher energy prices for taxpayers or small businesses in the United States.

SA 2347. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and

transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. 90. FUNDING FOR EVACUATION ROUTES.

Notwithstanding any other provision of this Act, of the total amount of funds made available for each fiscal year to carry out this Act and the amendments made by this Act, 5 percent shall be used to carry out eligible projects on roads classified by 1 or more States as hurricane or other natural disaster evacuation routes.

SA 2348. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division B, add at the end the following:

SEC. 27005. REPORT ON NATIONAL CENTER OF EXCELLENCE FOR LIQUEFIED NATURAL GAS.

Section 111(c)(1) of the PIPES Act of 2020 (Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking “18 months” and inserting “1 year”.

SA 2349. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. . USE OF CERTAIN FUNDS.

(a) USE OF FUNDS.—Notwithstanding any other provision of law, any amount made available to a State or local governmental entity under any COVID-19 relief legislation, including any amendment made by any such legislation, that remains unobligated after September 30, 2021, may be used by such State or local government for any purpose, including infrastructure, subject to subsection (b).

(b) RESTRICTIONS.—

(1) APPLICATION OF CERTAIN RESTRICTIONS.—Any amount appropriated pursuant to any COVID-19 relief legislation, including any amendment made by any such legislation, shall be subject to the requirements contained in Public Law 116-260 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b through 256).

(2) UNDERFUNDED STATE PENSION PLANS.—No amounts described in subsection (a) may be used to fund an underfunded State pension plan.

(c) COVID-19 RELIEF LEGISLATION.—For purposes of this section, the term “COVID-19 relief legislation” includes—

(1) the Families First Coronavirus Response Act (Public Law 116-127);

(2) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136);

(3) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139);

(4) the Consolidated Appropriations Act, 2021 (Public Law 116-260); and

(5) the American Rescue Plan Act of 2021 (Public Law 117-2).

SA 2350. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 24220.

SA 2351. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 22212.

SA 2352. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV of division B, add the following:

SEC. 241. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

Section 163(e) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) FISCAL YEAR 2022 AND THEREAFTER.—

“(A) RESERVATION OF FUNDS.—On October 1, 2021, and each October 1 thereafter, if a State is, or includes a political subdivision that is, a sanctuary jurisdiction, the Secretary shall withhold an amount equal to 10 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b).

“(B) DEFINITION OF SANCTUARY JURISDICTION.—

“(i) IN GENERAL.—Except as provided under subparagraph (ii), for purposes of this paragraph, the term ‘sanctuary jurisdiction’ means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

“(I) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons; or

“(II) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons.

“(ii) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on the State or political subdivision having a policy under which officials of the State or political subdivision will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.”.

SA 2353. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENSURING DISCLOSURE OF ADVOCACY BY FEDERAL OFFICERS AND EMPLOYEES FOR RESTRICTING ACCESS TO MATERIAL POSTED BY INFORMATION CONTENT PROVIDERS.

(a) RESTRICTION.—None of the amounts made available under this Act or an amendment made by this Act may be expended by an agency, office, or other establishment within the executive or legislative branch of the Federal Government if an officer or employee of the agency, office, or other establishment violates subparagraph (A), (B), or (C) of subsection (b)(2).

(b) REQUIRED DISCLOSURES.—

(1) DEFINITIONS.—In this subsection:

(A) INFORMATION CONTENT PROVIDER; INTERACTIVE COMPUTER SERVICE.—The terms “information content provider” and “interactive computer service” have the meanings given the terms in section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(B) LEGITIMATE LAW ENFORCEMENT PURPOSE.—The term “legitimate law enforcement purpose” means for the purpose of investigating a criminal offense by a law enforcement agency that is within the lawful authority of that agency.

(C) NATIONAL SECURITY PURPOSE.—The term “national security purpose” means a purpose that relates to—

- (i) intelligence activities;
- (ii) cryptologic activities related to national security;
- (iii) command and control of military forces;
- (iv) equipment that is an integral part of a weapon or weapons system; or
- (v) the direct fulfillment of military or intelligence missions.

(2) DISCLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), any officer or employee in the executive or legislative branch shall disclose and, in the case of a written communication, make available for public inspection, on a public website in accordance with subparagraph (D), any communication by that officer or employee with a provider of an interactive computer service regarding action or potential action by the provider to restrict access to or the availability of, bar or limit access to, or decrease the dissemination or visibility to users of, material posted by another information content provider, whether the action is or would be carried out manually or through use of an algorithm or other automated or semi-automated process.

(B) TIMING.—The disclosure required under subparagraph (A) shall be made not later than 7 days after the date on which the communication is made.

(C) LEGITIMATE LAW ENFORCEMENT AND NATIONAL SECURITY PURPOSES.—

(i) IN GENERAL.—Any communication for a legitimate law enforcement purpose or national security purpose shall be disclosed and, in the case of a written communication, made available for inspection, to each House of Congress.

(ii) TIMING.—The disclosure required under clause (i) shall be made not later than 60 days after the date on which the communication is made.

(iii) RECEIPT.—Upon receipt, each House shall provide copies to the chairman and ranking member of each standing committee with jurisdiction under the rules of the Senate or the House of Representatives regarding the subject matter to which the communication pertains. Such information shall be deemed the property of such committee and may not be disclosed except—

(I) in accordance with the rules of the committee;

(II) in accordance with the rules of the Senate and the House of Representatives; and

(III) as permitted by law.

(D) WEBSITE.—

(i) LEGISLATIVE BRANCH.—The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall designate a single location on an internet website where the disclosures and communications of employees and officers in the legislative branch shall be published in accordance with subparagraph (A).

(ii) EXECUTIVE BRANCH.—The Director of the Office of Management and Budget shall designate a single location on an internet website where the disclosures and communications of employees and officers in the executive branch shall be published in accordance with subparagraph (A).

(E) NOTICE.—The Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, and the Director of the Office of Management and Budget shall take reasonable steps to ensure that each officer and employee of the legislative branch and executive branch, as applicable, is informed of the duties imposed by this paragraph.

(F) CONFLICTS OF INTEREST.—Any person who is a former officer or employee of the executive branch of the United States (including any independent agency) or any person who is a former officer or employee of the legislative branch or a former Member of Congress, who personally and substantially participated in any communication under subparagraph (A) while serving as an officer, employee, or Member of Congress, shall not, within 2 years after any such communication under subparagraph (A) or 1 year after termination of his or her service as an officer, employee, or Member of Congress, whichever is later, knowingly make, with the intent to

influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States, on behalf of any person with which the former officer or employee personally and substantially participated in such communication under subparagraph (A).

(G) PENALTIES.—Any person who violates subparagraph (A), (B), (C), or (F) shall be punished as provided in section 216 of title 18, United States Code.

SA 2354. Mr. VAN HOLLEN (for himself, Mr. ROUNDS, Ms. ERNST, and Mr. KELLY) proposed an amendment to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

At the end of title II of division A, add the following:

SEC. 12 _____. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) IN GENERAL.—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) PAYMENT AND PERFORMANCE SECURITY.—

“(A) IN GENERAL.—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

“(B) WRITTEN DETERMINATION.—If payment and performance security is required to be furnished by applicable State or local statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

“(C) NO DETERMINATION OR APPLICABLE REQUIREMENTS.—If there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 or an equivalent State or local requirement, as determined by the Secretary, shall be required.”.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any agreement for credit assistance entered into on or after the date of enactment of this Act.

SA 2355. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS.

Notwithstanding any other provision of this Act, none of the funds appropriate or